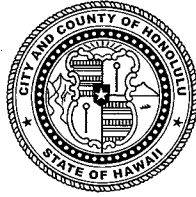


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov



PETER B. CARLISLE
MAYOR

DAVID K. TANOUE
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

Reso. 10-327 (mw)

January 7, 2011

The Honorable Nestor R. Garcia, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
C & C OF HONOLULU
2011 JAN -7 AM 9:24

Dear Chair Garcia and Councilmembers:

Subject: Proposed City Council Resolution 10-327, which Proposes a
Land Use Ordinance Amendment to Set a Time Limit for Major
Developments to Get Needed Approvals


We are responding to the City Clerk's November 29, 2010 letter notifying us of the introduction of Resolution 10-327, which we received that day. This resolution, if adopted, will officially transmit to us a City Council proposal to amend the Land Use Ordinance (LUO) on the subject of unilateral agreement requirements for significant zone changes. The specific change being requested is to add a time limit of 15 years for developers to obtain subdivision approvals for roadways and utilities, with the possibility of a single extension for 5 more years.

Our response is in accordance with Ordinance 08-08. That ordinance requires us to advise the City Council within 30 days on the accompanying documentation, if any, needed to satisfy our usual requirements for the commencement of processing of an LUO amendment. Attached is a list of informational requirements and concerns regarding this amendment.

The Honorable Nestor R. Garcia, Chair
and Members
Honolulu City Council
Page 2

Should you have any questions, I would be happy to discuss them with you.

Very truly yours,

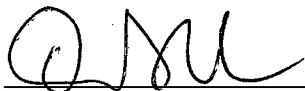
A handwritten signature in black ink, appearing to read 'D. Tanoue', with a horizontal line drawn through the middle of the signature.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:js

Attachment

APPROVED:

A handwritten signature in black ink, appearing to read 'D. Chin', with a horizontal line drawn below the signature.

Douglas S. Chin
Managing Director

Comments by the Department of Planning and Permitting on Resolution 10-327 Proposing A Land Use Ordinance (LUO) Amendment

(A Potential LUO Amendment That Would Establish
A Time Limit for Any Significant Zone Change to
Obtain Roadway and Utility Subdivision Approval)

As per Ordinance 08-08, we will need the following information from the City Council if it adopts this resolution, which calls for us to commence processing an amendment to the Land Use Ordinance (LUO) on their behalf:

- How will the proposed LUO amendment actually solve the problem addressed in the “whereas” section of the resolution? Specifically, please explain: (1) what is wrong with the existing system, (2) what remedies or penalties will be mandated by this LUO amendment, and (3) why this proposed change is justified.
- Is the proposed LUO amendment intended to target all significant zone changes or just large-scale projects such as master-planned communities? How would it work for: (1) small projects, (2) projects which do not need subdivision approval, and (3) projects that will be developed under condominium ownership? Just as an example, rezoning Ordinance 07-31 for the Kapolei Costco store qualifies as a significant zone change yet is a small 5.3-acre rezoning from P-2 to BMX-3 for a project not needing to internally subdivide; its basic purpose was to allow Costco to change the plans for a regional drainage channel across its makai-most area from a grass-lined open drainage way to an underground box-culvert tunnel with landscaping and a pedestrian path and bikeway above.
- Is subdivision approval the best measure of likely project progress, or is it better to use a later development stage such as actual construction of infrastructure?
- If the proposal is intended to target long-delayed major developments, then what would be the various impacts of actually targeting such a development? Please explain what the impacts are likely to be on: (1) the development itself, (2) its surrounding area, (3) the local housing and real estate market, and (4) the zoning pattern and long-range land-use plans in the affected community.
- It is not clear if there is a penalty for not complying with the proposed requirement. Please clarify what is expected if there is non-compliance. The proposal may add uncertainty to the housing and real estate market, which may mean added cost for developers and consumers, especially in the case of 100 percent affordable housing projects. Would a review by the City Council of developer progress on a project (“use it or review it”) be an alternative to consider?

- Does the Council's concern over outdated environmental reviews go beyond the need to prepare a Supplemental Environmental Impact Statement (SEIS)? Is the proposed LUO amendment also designed to alter the project's approval status? If this is not the case, then please explain why the Council still has concerns, now that the Hawaii Supreme Court has issued a Decision which in effect requires that DPP make a determination on the need for an SEIS whenever a subdivision application is submitted.